

EXECUTIVE SUMMARY

The Mandatory Shoreland Zoning Act, Title 38 MRSA sections 435-449, requires Maine's organized municipalities to enact ordinances regulating land-use activities in shoreland areas. The Department establishes, through its *State of Maine Guidelines for Municipal Shoreland Zoning Ordinances* (Guidelines), minimum standards for the municipally adopted ordinances. It also provides general oversight of municipal administration and enforcement of shoreland zoning ordinances.

The Department's Shoreland Zoning Unit continues to focus its efforts on education and assistance. These efforts are directed at local officials, landowners, and groups such as logging professionals and realtors. The Department, annually, holds formal training sessions throughout the state for code enforcement officers. Other regional workshops are held for planning boards and other interest groups. The Department has added an additional educational pamphlet providing guidance on setback measurements, and has added its *Handbook of Shoreland Owners* to the Department's web page.

Staff spends much time assisting local officials with permitting and enforcement issues. Site visits occur frequently in order to assist local officials. Many requests for assistance are also addressed through written and oral communications.

Department staff reviewed 136 shoreland zoning ordinances and amendments during the last two years. We also reviewed more than 30 comprehensive plans.

The Department has been drafting revisions to its Guidelines and will be presenting them to the Board of Environmental Protection in the spring of 2005 for public hearing. Some of the proposed changes pertain to recreational trails, vegetated buffer standards, setbacks from certain coastal bluffs, and increased setbacks in newly created General Development Districts.

The Department is finalizing an enforcement policy to better guide staff as it deals with municipalities and landowners who do not comply with the shoreland zoning rules. We will be taking stronger actions against individuals who violate buffer and setback requirements and who do not cooperate with local code enforcement officers.

Code enforcement officers are required to submit permit and enforcement data to the Department on a biennial basis. The reporting rate remains quite low although it has been rising. For this past two-year period we had a 60% reporting rate, up from 50% the previous period. The average number of new principal structures per town

increased from 3.8 to 4.6 structures per town. However, the number of expanded structures reported was fewer per town. The number of variances granted in the shoreland zone remains a concern of the Department. In the reporting period nearly 55% of the variance requests were approved.

The 271 code officers reporting confirmed the presence of 566 violations. Only 15 violations proceeded to the court system. Eight-seven were resolved through the consent agreement process and the remaining violations were resolved informally.

The Department is recommending one legislative change to the Mandatory Shoreland Zoning Act. We believe that the definition of “coastal wetland” in the Act, as well as in the Natural Resources Protection Act, should be amended by striking the reference to “debris lines”. Debris lines change from tide to tide, and from storm to storm. Debris lines should not be used as a criterion for determining structure setbacks.